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EXTRACTS FROM

GENERAL ORDERS

FOR THE

ASSISTANCE OF THE TROOPS,

IN

AFFORDING AID



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GENERAL RULE.

I. Whenever any Officer Commanding a Detachment of Troops receives an application for Military Assistance to the Civil Power, he will consider it his duty to comply with such application upon the following conditions, and equally his duty at once to decline affording the required Aid should these conditions not be fulfilled:

- 1st. The Requisition must be made in writing, by a Magistrate, Sheriff, or Sub-Sheriff.
- 2d. The Party detached on this duty must, while so employed, be constantly accompanied by a Magistrate, Sheriff, or Sub-Sheriff, and act under his Orders only.
- 3rd. The mode in which the Troops are to afford such Aid must be strictly limited to their acting as a Military Support to the Civil Power.

They must never be dispersed, but remain as much concentrated as possible, and they are not to have recourse to actually offensive measures until the Civil Power has completely failed, or proved to be totally inadequate, either to maintain the Peace, or to overcome any manifestly illegal and forcible resistance to the due execution of the Laws ; and even then the Military can only act under the express and positive Orders of the Magistrate, Sheriff, or Sub-Sheriff.

If the Sheriff, Sub-Sheriff, or Magistrate specify the amount of Force he requires, the Officer will use his own discretion in augmenting the numbers, according to the Force at his disposal and the duty to be performed. The Officer is at all times responsible for the disposal of the Troops in Military Order and Position ; the Civil Authorities for the employment of them in preserving the Peace.

Officers in Command of Parties will

be held responsible that their Men shall not be divided or dispersed under any pretence whatever, even if the Magistrate or other Civil Authority should require such dispersion; but this Order is not to be understood as prohibiting Officers from affording the most effectual assistance in accomplishing the object in view, provided the Men are in no instance suffered to be sent beyond call of each other, or to be placed in situations where, in case of emergency, the whole Party would be prevented from immediately acting together.

Except in cases of *extreme urgency*, when a Magistrate must be constantly present with the Party, no Officer will grant Troops on any Requisition that will cause them to be removed one or more marches from their Posts—when such an arrangement is necessary, the Sheriff, Sub-Sheriff, or Magistrate must be referred to the General Officer Commanding the District.

Such are the *general Rules* to be observed in regard to affording Military

Aid to the Civil Power. Certain modifications are admissible under particular circumstances, as will be explained in the following Articles.

**MAGISTRATES REQUIRING PARTIES TO
MEET THEM AT CERTAIN POINTS.**

III. A modification of the second condition laid down in Article I. is admissible under the following circumstances: It frequently happens that Magistrates, Sheriffs, and Sub-Sheriffs, residing at a distance from the Station of a Detachment, make Requisitions for Parties to meet them at a certain point, to such an arrangement, as suiting the convenience of the Magistrates, there can be no objection, *provided* that in selecting the point of meeting, the Magistrate, Sheriff, or Sub-Sheriff, takes care it shall be a sufficient and reasonable distance from the spot where the presence of the Military is more particularly required, so as to leave no chance of any collision taking place between the Troops and any riotously disposed Persons, previously to the arrival of the Magistrate, Sheriff, or Sub-Sheriff. It

will therefore be the duty of an Officer, on receiving a Requisition of this kind, to intimate to the Magistrate, Sheriff, or Sub-Sheriff, the necessity of observing the precaution alluded to, and further, to use his own discretion when proceeding with his party to the point agreed upon, in at once returning to his Quarters, should circumstances seem to indicate the probability of any such collision as that already referred to.

A further modification takes place in cases where, in the immediate presence of the Military, resistance is opposed to the Police, or an attack is made upon them in the execution of their duty under circumstances not admitting sufficient time for procuring a regular Requisition from the nearest Magistrate for their support, but whose attendance must nevertheless be summoned as speedily as possible; or, in cases where self-defence renders it necessary for them to have recourse to Arms—or, where under their own immediate notice, attacks are made on Persons or Property, in which latter cases it will be their duty, as far as they

possibly can, to afford protection, taking particular care however, to use their Arms only in the last extremity.

PATROLES.

V. When in the opinion of the Magistrates it is necessary to patrol any District with Military, their Requisitions to that effect are to be attended to, if practicable; but each Patrole so granted must be accompanied by a Magistrate,* on whom the responsibility of its proceedings must rest. In instances, however, where Officers Commanding Detachments may consider it expedient for their security, to establish Patroles in the immediate vicinity of their Posts, such Patroles may defend themselves, if attacked, and repel force by force; or if, in their presence, the Persons or Properties of any of the King's subjects should be attacked by any body of Men, they may act or assist in preventing or repelling such attack.

* Except in particular cases, agreeably to previously received Instructions from Head Quarters.

ESCORTS.

All Escorts for Civil Prisoners are to be given on the Requisition of a Magistrate, Sheriff, or Sub-Sheriff, in writing, stating that the Police Force is unequal to the duty, which Requisition must be forwarded to the Military Secretary.

There are, however, two cases in which Military Assistance may be immediately granted for the above purposes without any previous reference, the one is when the Requisition for Aid proceeds from the Sheriff, Sub-Sheriff, or a Coroner of the County, (see Articles I. and II.); the other is when any competent Civil Authority calls for Military Assistance to suppress a Riot which may have arisen in the Collection of Tithes, County Cess, or Rent, or in the serving or executing of Civil Process or Decrees, and which Riot is actually going on at the time.

When Troops are called upon to assist in the prevention of Plunder of a stranded Vessel, in extinguishing Fires, pre-

venting the Country People cutting and carrying away Turf, Sea Weed, or other Property, or Services of a similar nature, the Officer must require a written statement from the Magistrate or Magistrates, Sheriff, or Sub-Sheriff, distinctly specifying that the case is one of emergency, that danger is apprehended, and that the ordinary Civil Force is insufficient to maintain the Peace.

Every Party called on to assist the Civil Power must, whenever a breach of the Peace *is apprehended*, be under the Orders of a Commissioned Officer.

GENERAL ORDER.

HORSE GUARDS,

27th March, 1835.

It has been found by experience, that when Troops have been called upon to act in aid of the Civil Power for the maintenance of the public Peace, or in the enforcement of the Law, and have, with a view to intimidation, fired over the heads of persons riotously assembled, the effect has been, that lives have been lost, or wounds received, by persons tak-

ing no part in resistance to the Law, and also that Parties engaged in such resistance have been encouraged to acts of greater daring and violence. In order to guard against the recurrence of such an evil, the General Commanding in Chief desires that Officers Commanding Troops or Detachments will on every occasion in which they may be employed in the suppression of Riots, or in the enforcement of the Law, take the most effectual means, in conjunction with the Magistrates under whose Orders they may be placed, for notifying beforehand, and explaining to the People opposed to them, that in the event of the Troops being ordered to fire, their Fire will be effective.

By Command of the Right Honorable
GENERAL LORD HILL,
Commanding-in-Chief,
JOHN MACDONALD, Adjutant-General.

(CONFIDENTIAL.)

Instructions.

HORSE GUARDS,

27th March, 1835.

The lamentable frequency of the call for Troops to aid the Magistrates in Ireland in the suppression of Riot, the maintenance of the public Peace, and the execution of the Law, has drawn the attention of the General Commanding in Chief to the necessity of regulating the execution of this duty, upon uniform, simple, and intelligible principles.

No Officer is to go out with Troops upon such duty excepting upon the Requisition of a Magistrate in writing.

The Officer Commanding the Troops must move to the place to which he shall be directed by the Magistrate. He must take care, however, that the Troops march in regular Military Order, with the usual precautions, and that they are not scattered, detached, or posted in a situation in which they cannot act in their own defence.

The Magistrate must accompany the Troops, and the Officer must remain near him.

All Commands to the Troops must be given by the Officer.

The Troops must not, on any account, fire, excepting *by Word of Command* of their Officer; and the Officer must not give the Word of Command to fire, unless distinctly required to do so by the Magistrate.

The Officer Commanding must exercise a humane discretion respecting the extent of the line of Fire.

If he should be of opinion that a slight effort would be sufficient to attain the object he will give the word of Command to one or two specified Files to fire. If a greater effort should be required, he will give the Word of Command to One of the Sections, told off as above ordered, to fire; the fire of the other Sections being kept in reserve until necessary, and when required the fire

of each of them being given by the regular Word of Command of the Commanding Officer.

The Firing must cease the instant it is no longer necessary, whether the Magistrate may order the cessation or not.

Care must be taken not to fire upon Persons separated from the crowd.

It must be observed, that to fire over the heads of a crowd, engaged in an illegal pursuit, would have the effect of favouring the most daring and the guilty, and might have the effect of sacrificing the less daring, and even the innocent.

If firing should unfortunately be necessary, and should be ordered by the Magistrate, Officers and Soldiers must feel that they have a serious duty to perform, and they must perform it with coolness and steadiness, and in such manner as that they may be able to discontinue their fire at the instant at

which it shall be found that there is no longer occasion for it.

By Command of
The Right Honorable
The General Commanding in Chief,
JOHN MACDONALD,
Adjutant-General.

LEGAL OPINION.

“By the Common Law, every description of Peace Officer may, and ought, to do not only all that in him lies towards the suppressing of Riots, but may, and ought to, command *all other Persons* to assist therein.

“However, it is by all means advisable to procure a Justice of Peace to attend, and *for the Military to act under his immediate Orders*, when such attendance, and the sanction of such Orders, can be obtained, as it not only prevents any disposition to unnecessary violence on the part of those who act in repelling the Tumult, but it induces also,

from the known authority of such Magistrates, a more ready submission on the part of the Rioters, to the measures used for that purpose ;—but still in cases of *great and sudden emergency, the Military, as well as all other Individuals, may act without their presence*, or without the presence of any other Peace Officer whatsoever.

(Signed "EDWARD LAW.
"Lincoln's Inn, April 1, 1801."

N. B.—By the Act of Parliament of the First Year of George the First, dated 17th March, 1714, entitled "An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing of the Rioters," *every Justice of the Peace, Sheriff, Under Sheriff, Mayor, Bailiff, or other Head Officer, of any County, City, or Town Corporate, is authorized, empowered, and required, on Notice or Knowledge of any unlawful, riotous, and tumultuous Assembly within the limits of their respective Jurisdictions to resort to the*

place where such Assembly shall be, of Persons to the Number of *Twelve*, or more, and there to make, or cause to be made, the Proclamation, prescribed by the said Act, for dispersing such Assembly.

THE FOLLOWING ARE THE FORMS REQUIRED TO BE USED BY MAGISTRATES IN QUELLING OR SUPPRESSING A RIOT, OR IN PREVENTING AN APPREHENDED BREACH OF THE PEACE.

RIOT ACT.

PROCLAMATION.

Our Sovereign Lady the Queen Char-
geth and Commandeth all persons being
assembled immediately to disperse them-
selves and peaceably to depart to their
lawful business, upon the pains con-
tained in the Act made in the first year
of the Reign of King George the First,
for preventing Tumults and Riotous
Assemblies.

GOD SAVE THE QUEEN.

FORM OF NOTICE TO BE SERVED
UPON EACH PERSON SUMMONED TO BE
SWORN IN AS A SPECIAL CONSTABLE.

SIR,

You are hereby required to be and appear at (*state place, time and date,*) to be sworn in as a Special Constable, in virtue of the Act 10 and 11. Vic. Cap. 12, to aid and assist in the preservation of the Peace, (*state where and under what circumstances.*)

Dated at this day of 185 .

A. B. J. P.

C. D. J. P.

FORM OF OATH OF A SPECIAL
CONSTABLE.

I, A. B. do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the (*state the place*) without favor or affection, malice, or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's Sub-

jects; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: "So help me God."

REQUISITION FOR TROOPS IN AID
OF THE CIVIL POWER.

Sir,

There are required (state No. of men) to aid and assist the Civil power in (quelling or suppressing a riot, or in preventing an apprehended breach of the peace, as the case may be) at (name time place.)

Dated at this day of 185

To A. B.

Commg. Garrison.